

C. BRADLEY HALLEN
KIRBY AND HALLEN
7717 Friars Road, Suite 250
San Diego, CA 92108
Attorneys for Plaintiff

(714) 298-1015

SEPT 3 - 1982
BY I. SCHNEIDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
220 West Broadway
San Diego, CA 92101

PLAINTIFF

MCGREGOR SEA & AIR SERVICES (AMERICA) INC.

DEFENDANT

CINEMATRONICS, INC.

EX PARTE

☒ RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF
ATTACHMENT (RESIDENT)

CASE NUMBER

491479

☐ ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)

The application and supporting affidavit of plaintiff (Name): MCGREGOR SEA & AIR SERVICES (AMERICA) INC.

As an ex parte ☒ right to attach order and order for issuance of writ of attachment ☐ order for issuance of a writ of attachment has been considered by the court

FINDINGS

The court finds:

1. Defendant is a ☒ corporation ☐ partnership ☐ limited liability association ☐ individual

2. ☒ The claim upon which the application is based is one upon which an attachment may be issued

3. ☒ Plaintiff has established the probable liability of the claim upon which the application is based

4. A Right to Attach Order was issued pursuant to ☐ CCP 484.040 (in whole) ☐ CCP 485.220 (in part) on (Date)

5. It is court pursuant to CCP 485.240 found plaintiff is entitled to a Right to Attach Order on (Date)

6. The affidavit accompanying the application shows that the property sought to be attached is not exempt from attachment

7. ☒ The portion of the property sought to be attached described in item 3b is not exempt from attachment

8. ☒ An undertaking in the amount of \$ is required before a writ shall issue and plaintiff ☐ has

☒ ☐ has not filed an undertaking in that amount

9. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice based on the following:

(1) ☒ There is a danger that the property sought to be attached would be

(a) ☒ concealed

(b) ☒ substantially impaired in value

(c) ☒ made unavailable to levy by other than a court payment or impoundment in value

(2) ☐ A bulk sales notice was recorded in

(County on (Date))

and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant

(3) ☐ An auction has been opened pursuant to the provisions of Bus & PC 24074 with respect to the sale by the defendant of a liquor license (Numbered)

(4) ☐ Other circumstances (Indicate)

☒ The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based
☐ Other (Specify)

(Continued on reverse side)

The word "plaintiff" includes cross-complainant. Defendant includes cross-defendant. Singular includes the plural and masculine includes feminine and neuter.

ORDER

IT IS ORDERED:

- A ☒ Plaintiff has a right to attach property of defendant (Name) **CINEMATRONICS, INCORPORATED** in the amount of \$ **92,829.01** 85
- B ☒ The clerk shall issue a writ of attachment [] bothwith ☒ upon the filing of an undertaking in the amount of \$ [] against the property of defendant described below or in Attachment B
- (1) ☐ Real property standing in the name of defendant or any other person (Describe, state name and address of other person in the manner required by CCP 48B.31.4)
- (2) ☐ Tangible personal property in the possession of defendant or any other person (Describe state name and address of other person)
- (3) ☐ Farm products or inventory of a going business (Describe)
- (4) ☐ Motor vehicles or vessels which are equipment of a going business and for which a certificate of ownership has been issued by the Department of Motor Vehicles (Describe)
- (5) ☐ Equipment of a going business (Other than in item 3(4)) (Describe)
- (6) ☐ Crops growing on or timber to be cut standing upon real property in the name of defendant or any other person (State location of and describe state name and address of other person in the manner required by CCP 48B.010 and CCP 48B.360(c))
- (7) ☐ Money of an individual defendant
- (a) ☐ located on the premises where a trade business or profession is conducted by defendant
- (b) ☐ in excess of \$1,000 elsewhere than on the premises where a trade business or profession is conducted by defendant and not in deposit accounts
- (c) ☐ located in a deposit account in excess of \$1,000
- (d) ☐ in excess of an aggregate amount of \$1,000 for all [] in deposit accounts [] in a deposit account and money located elsewhere than on the premises where a trade business or profession is conducted by defendant
- (8) ☐ Property covered by the bulk sales notice recorded in [] County, [] (State) [] in the proceeds of the sale of such property
- (9) ☐ Plaintiff's pro rata share of the proceeds from an account in which defendant's liquor license is held (Upon the number)
- (10) ☐ Other property (CCP 48B.370, 48B.430 and CCP 48B.010 Describe)

(11) ☒ Any property for which a method of levy is provided (Use only for other than individual defendant)

C ☒ Defendant (Name) **CINEMATRONICS INCORPORATED**

shall transfer to the levying officer possession of ☒ Any documentary evidence in defendant's possession of title to any property described in item B. ☒ Any documentary evidence in defendant's possession of debt owed to defendant described in item Bb. [] the following property in defendant's possession (Specify)

NOTICE TO DEFENDANT: Failure to comply with this order may subject you to being held in contempt of court.

(1) ☐ Where

D Total number of levies checked on item 7: **7**

Dated September 2, 1982 Honorable

(Type or print name)

(Signature of Judge)